

ORIGINAL

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 76.51 of the)
Commission's Rules to Include)
Newton, New Jersey, and)
Riverhead, New York in the)
New York, New York-Linden)
Paterson-Newark, New Jersey)
Television Market)

MM Docket No. 93-290

To: Chief, Mass Media Bureau

REPLY COMMENTS OF WTZA

In its initial comments, WTZA-TV Associates Limited Partnership, the new licensee of WTZA(TV), Kingston, New York ("WTZA"), urged the Commission to add Kingston, New York as a designated community in the New York-Linden-Paterson-Newark, New Jersey television market. WTZA explained that designation of Kingston will help to equalize competition between WTZA and much larger New York City stations for carriage on cable systems in the unitary New York ADI market, and is warranted under the Commission's rules and policies.

1. Nothing in the comments filed by various cable companies shows, or could show, that designation of Kingston is not in the public interest. Several points made by Cablevision Systems Corporation ("Cablevision"), however, require brief reply. Cablevision's argument that the New York ADI is a collection of geographically isolated markets is belied by its

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own major participation in WNYI, a tri-state cable advertising interconnect. As explained in WTZA's initial comments, WNYI serves a sweeping geographic area covering more than 3.5 million cable households in communities in New York, Connecticut, and New Jersey. Using the interconnect, an advertiser can through a single purchase acquire time on cable systems in New York City, Long Island, New York, Westchester County, New York, Northeastern New Jersey, and Southern Connecticut. Cablevision's participation in WNYI illustrates the fallacy of its claims that various local independent stations such as WTZA do not serve substantial portions of the New York ADI market. On the one hand, Cablevision claims that various stations in the New York market are too far away from each other to be treated as part of the same market. On the other hand, however, Cablevision gleefully peddles advertising time to the unitary New York ADI market via the interconnect.

2. Cablevision relies in its comments on a point made by WTZA in its opposition to Cablevision's petition to strip the station of its must carriage rights in the New York ADI. In that opposition, WTZA noted that signal quality and copyright indemnity provisions in the 1992 Cable Act could act as "safeguards to avoid a station acquiring mandatory carriage rights in a community to which it has no service nexus." WTZA still believes that signal quality and copyright indemnity issues can as a general matter serve this function. However, with its newly-inaugurated "newswheel" format -- substantially full-time news and information modelled on the format of CNN "Headline

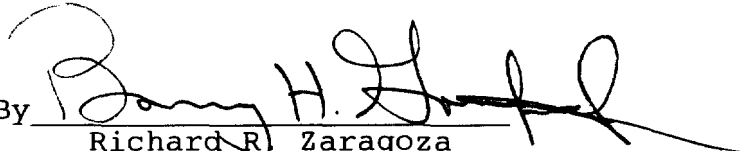
News," with a local and regional orientation -- WTZA is extremely valuable to cable subscribers in the entire New York ADI and has a service nexus to the full market. Thus, WTZA should be allowed to compete for cable carriage in the unitary New York ADI market on a level playing field with the large New York City television stations.

The Commission should add Kingston to the designation because it will facilitate fair competition and serve the public interest.^{1/}

Respectfully submitted,

WTZA ASSOCIATES LIMITED
PARTNERSHIP

By



Richard R. Zaragoza
Barry H. Gottfried

Its Attorneys

Fisher, Wayland, Cooper
and Leader
1255 23rd Street, N.W.
Suite 800
Washington, D.C. 20037
(202) 659-3494

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^{1/} Like WLIG, WTZA believes that a waiver of the exclusivity rules will not solve its most serious problem, which relates to copyright liability. If the Commission determines that WTZA should be given nothing more than an exclusivity waiver, WTZA would prefer to decline such a waiver.

CERTIFICATE OF SERVICE

I, Sybil Briggs, a secretary in the law offices of Fisher, Wayland, Cooper and Leader, do hereby certify that I have this 18th day of January, 1994, mailed by first class United States mail, postage prepaid, copies of the foregoing "REPLY COMMENTS OF WTZA" to the following:

*Roy J. Stewart, Chief
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 314
Washington, D.C. 20554

*William H. Johnson, Deputy Chief
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 314
Washington, D.C. 20554

*Alexandra Wilson, Acting Chief
Cable Services Bureau
Federal Communications Commission
2033 M Street, N.W., Room 918
Washington, D.C. 20554

*Alan E. Aronowitz, Esq.
Mass Media Bureau
2025 M Street, N.W., Room 8104
Washington, D.C. 20554

M. Anne Swanson, Esq.
Koteen & Naftalin
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036

COUNSEL FOR MOUNTAIN BROADCASTING CORPORATION

Robert S. Lemle, Esq.
Marti Green, Esq.
Cablevision Systems Corporation
One Media Crossways
Woodbury, NY 11797

and

Howard J. Symons, Esq.
Lisa W. Schoenthaler, Esq.
Mintz, Levin Cohn, Ferris
Glovsky and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20004
COUNSEL FOR U.S. CABLEVISION
SYSTEMS CORPORATION

John I. Davis, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
COUNSEL FOR U.S. CABLEVISION
CORPORATION

John R. Wilner, Esq.
Bryan Cave
700 - 13th Street, N.W.
Suite 600
Washington, D.C. 20005-3960
COUNSEL FOR TIME WARNER
NEW YORK CITY CABLE GROUP

Howard J. Braun, Esq.
Jerold L. Jacobs, Esq.
Rosenman & Colin
1300 19th Street, N.W.
Suite 200
Washington, D.C. 20036
COUNSEL FOR WLIG-TV, INC.

John T. Scott, III, Esq.
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2595
COUNSEL FOR BRIDGEWAYS COMMUNICATIONS CORP.


Sybil Briggs

*Hand Delivered